

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF PROHIBITING)
MICHAEL PETRAMALA FROM FILING ANY)
LAWSUIT IN MARICOPA COUNTY WITHOUT)
OBTAINING PRIOR PERMISSION FROM THE)
COURT AND CONSOLIDATING DEFERRAL)
FEE REQUESTS)
_____)

ADMINISTRATIVE ORDER
NO. 2005-184

This matter was referred to me by the Honorable Judge Margaret Downie following her minute entry in Case number LC2005-000863-001DT dated November 21, 2005 in which the Judge took no action on the pending motion for reasons stated in the minute entry and attached hereto. Upon receipt of this referral, the court reviewed further case filings in which plaintiff is or has been involved with.

Upon full review of the record, the court finds that the plaintiff has been a named party in at least 27 civil justice court cases, mostly as plaintiff, since 1996. In addition, the plaintiff is a named party in nine criminal and traffic cases during that same period. The overwhelming majority of the civil cases were filed in 2004 and 2005.

A review of the case dispositions indicate that the overwhelming majority of cases ended in a decision of dismissal, abandonment, or in a judgment for the other party. Plaintiff frequently failed to comply with court orders and failed to pay deferred fees to the court. Actions typically ended in a dismissal for failure to state a claim upon which relief can be granted only after volumes of motions were filed on the court. Plaintiff filed appeals which were abandoned and sued several parties multiple times. Plaintiff further routinely requested permission to appear telephonically and when denied failed to appear in court.

Additionally, it appears that on September 14, 2004 that plaintiff was declared unable to understand the nature of proceedings in a criminal case filed against him and was further found unlikely to be restored to competency in the statutory timeframe for the crime then charged (entry attached). This suggests that plaintiff may have difficulty in understanding the nature of the litigation that he is pursuing throughout the county court system.

In determining whether the court should issue orders to curtail wasteful litigation and motion practice and in reviewing the plaintiff's request for a deferral of fees as well as the plaintiff's prior litigation history, the court relies on its inherent authority to screen cases to insure the orderly administration of justice. A court's inherent authority "may be defined as such powers as are necessary to the ordinary and efficient exercise of jurisdiction." *State v. Superior Court*, 39 Ariz. 242, 247-48, 5 P.2nd 192, 194 (1931).

As the court stated in *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (1997), a court's inherent authority is largely unwritten; appellate affirmation of an exercise of that authority ordinarily grounded on trial court findings and conclusions which explain its actions. In *Jones v. Warden of Stateville Correctional Center*, 918 F.Supp. 1142, 1153 and 1156 (N.D.Ill.1995), the federal court held that the inmate's access to the courts could be severely curtailed because he had proven himself to be a "recreational litigant" who "repeatedly and flagrantly abused the judicial process by inundating the courts with frivolous and repetitive lawsuits."

Given the plaintiff's propensity to file lawsuits with no discernable outcome, and given the plainly frivolous nature of the complaints and the conduct of plaintiff in pursuing litigation, the court does find the plaintiff to be a vexatious litigant.

In doing so, the court must tailor its Order only so much as needed to curtail plaintiff's inappropriate conduct. Based on the court's review of the record, the court believes that the only order that will adequately address plaintiff's litigiousness is an Order prohibiting plaintiff from filing any lawsuit in Maricopa County without obtaining permission from either the Presiding Judge of the County or its Associate Presiding Judge for Limited Jurisdiction Courts.

Any motion for leave to file shall be captioned, "Application Pursuant to Court Order Seeking Leave to File." Plaintiff must either cite this Order in his application, or attach as an exhibit a copy of this Order. In seeking leave to file, plaintiff is required to certify under penalty of perjury that the claim or claims he wishes to present are new claims never before raised and disposed of by any other court, within or outside Maricopa County. He would also need to certify that the claims are neither frivolous nor made in bad faith.

This Order does not prohibit plaintiff from responding to any litigation in which he is a named defendant.

In accordance with the foregoing,

IT IS ORDERED that plaintiff Michael Petramala may not file an action in any court in Maricopa County without leave of the Court. Any motion for leave to file shall be captioned, "Application Pursuant to Court Order Seeking Leave to File." Plaintiff must either cite this Order in his application, or attach as an exhibit a copy of this Order. In seeking leave to file, plaintiff is required to certify under penalty of perjury that the claim or claims he wishes to present are new claims never before raised and disposed of by any other court, within or outside Maricopa County. He would also need to certify that the claims are neither frivolous nor made in bad faith;

IT IS ORDERED that the plaintiff shall include tax returns for the prior two years as well as the most recent wage statements from work should he file for a deferral of fees for any case he presents for a pre-filing review;

IT IS ORDERED that the clerk of the court and justice court personnel shall not accept for filing any further complaints by Michael Petramala until either the Presiding Judge of the County or its Associate Presiding Judge for Limited Jurisdiction Courts approve after a pre-filing review as outlined above; and

IT IS FURTHER ORDERED that plaintiff may petition this court for a hearing on this Order and may present information at that hearing to dispute the findings herein.

Dated this 8th day of December, 2005.

Barbara R. Mundell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Gerald Porter, Associate Presiding Judge for
Limited Jurisdiction Courts
Hon. Anna Baca, Presiding Civil Judge
Hon. Margaret Downie, Presiding Judge for Lower Court Appeals
Mitch Michkowski, Civil Court Administrator
Marcus Reinkensmeyer, Trial Courts Administrator
Brian D. Karth, Limited Jurisdiction Courts Administrator
Maricopa County Justices of the Peace
Michael Petramala

**** NOTE:** File exhibits defined in this Administrative Order have been sent only to Plaintiff Michael Petramala. Due to the voluminous nature of the exhibits, any other party requesting a copy of the exhibits may review the case file.